

**34A-4-101. Who entitled.**

(1) Certain miners with a disability meeting the requirements of Section 34A-4-102 shall be entitled to, and shall receive, the free hospital and medical service provided for in this chapter.

(2) Notwithstanding Subsection (1), in the event occupational diseases are made compensable under Chapter 2, Workers' Compensation Act, or 3, Utah Occupational Disease Act, no employer or insurance carrier shall be permitted to evade payment under Chapter 2 or 3 by compelling a miner with a disability to avail the miner of the benefits provided for in this chapter.

Amended by Chapter 366, 2011 General Session

**34A-4-102. Application for benefits.**

To be entitled to the free hospital and medical service provided for in Section 34A-4-101, a miner with a disability applying for benefits shall be required to establish under oath the following facts, which shall be conditions precedent to the granting of the free service provided for in this chapter:

(1) that the miner is and has been a resident of this state for a period of two years immediately preceding the filing of the miner's application;

(2) that the miner has been employed in the mines of this state for a period of at least five years and that the disability from which the miner is suffering and for which the miner is in need of hospital and medical treatment is due to such employment;

(3) that the miner is physically incapable of entering remunerative employment and holding a job;

(4) that the miner's disability is such that hospital and medical attention is necessary; and

(5) that the miner is financially unable to secure and pay for hospital and medical service.

Amended by Chapter 366, 2011 General Session